

NOVEMBER 2, 2004

**RESPONSES TO EPA'S OCTOBER 22, 2004 COMMENT LETTER  
ON THE DRAFT RECORD OF DECISION FOR SITES 3, 7, 14, 15, 18, AND 20 GROUNDWATER  
NAVAL SUBMARINE BASE - NEW LONDON, GROTON, CONNECTICUT**

**General Comments**

**Comment 1:**

The ROD should be expanded to describe the land use controls in more detail. Most of EPA's comments follow the model language that was approved by the Navy and e-mailed to you on May 12, 2004.

**Response:**

Agree. The Navy and EPA discussed and clarified EPA's concerns during a conference call on September 2, 2004. Additional information regarding the land use controls was added to the ROD per the responses provided below to the EPA's general and specific comments.

**Comment 2:**

EPA recommends that you include a reference to the LUCs required for the source control RODs because in practice there will only be one set of restrictions put on the land (citing both the soil and groundwater RODs). All LUCs should be included in the Base Instruction.

**Response:**

Agree with clarification. As long as NSB-NLON, Groton, Connecticut remains an active base, all LUCs for soil and groundwater will be included in SOPA (ADMIN) NEW LONDON INSTRUCTION 5090.18B, which pertains to Installation Restoration Site Use Restrictions. Once the subject ROD is signed, the February 5, 2003 version of the instruction will be updated to include the groundwater LUCs.

The second paragraph in Section 2.12.1.1 was changed as follows:

"Implementation of institutional controls on groundwater use at Sites 3 and 7 would involve identifying the location, magnitude, and type of contamination and documenting it in the NSB-NLON Installation Restoration Site Use Restrictions Instruction document (5090.18B). The latest version of the instruction (February 5, 2003) identifies the areas with soil institutional controls and provides specific instructions to Navy personnel for conducting excavation, ground disruption, and dewatering work at IR program sites at NSB-NLON. Figure 2-22 shows the areas at NSB-NLON with soil land use controls. After this ROD is signed, the instruction will be updated to include drawings that identify the areas with groundwater institutional controls and to provide specific instructions so that contaminated groundwater will not be extracted or used in a manner that would threaten human health or the environment. Figure 2-23 identifies the areas at NSB-NLON that will have groundwater land use controls."

**Comment 3:**

Throughout the document the term "deed notification" should be changed to "deed restriction" since the CT Remediation Regulation requirements (which are an ARAR) call for "land use restrictions" rather than just a notification that contamination is present in a deed.



**Response:**

Agree. The term "deed notification" was replaced with "deed restriction" throughout the document.

**Specific Comments**

**Comment 1:** p. viii

Add a citation for CERCLA to the glossary.

**Response:**

Agree. The following citations were added as appropriate to the CERCLA definition provided in the glossary:

- 42 U.S.C. 9601 et seq.
- Public Law 99-499

**Comment 2:** p. x

Add a citation for NCP to the glossary.

**Response:**

Agree. 40 CFR Part 300 was added to the NCP definition provided in the glossary.

**Comment 3:** §1.2

Add citations for CERCLA and NCP.

**Response:**

Agree. The citations discussed in the responses to Specific Comments 1 and 2 were added as appropriate to Section 1.2.

**Comment 4:** §1.4.1, bullet 2

Change "deed notification" to "deed restriction."

**Response:**

Agree. The phrase "deed notification" was changed to "deed restriction."

**Comment 5:** p. 2-6, §2.2.1.1, ¶2

Add a new second to last line: "A Record of Decision was signed on \_\_\_\_\_, that called for \_\_\_\_\_."

**Response:**

Agree with clarification. Reference to the ROD was included in Section 2.2.1.1. In addition, the proposed Enforcement Activities associated with the ROD were added to Section 2.2.2.1.

The following text was added to the last paragraph of Section 2.2.1.1.

"address the petroleum-contaminated soil associated with Site 3 – NSA. A ROD (Navy, 2004d) was signed for the site in October 2004. The ROD called for no further action for the petroleum-contaminated soil under CERCLA because petroleum is excluded from consideration under CERCLA; however, the Navy's cleanup plan to address the petroleum contaminated soil under other applicable regulations was also detailed in an appendix of the ROD. The Navy anticipates completion of the cleanup of the debris and contaminated soil at Site 3 – NSA in 2005."

The following paragraph was added to Section 2.2.2.1.

"The Navy is currently completing plans to address the petroleum-contaminated soil and debris at Site 3 – NSA (OU3) that meet the objectives of the cleanup plan detailed in an appendix of the ROD (Navy, 2004d). The potential volume of petroleum-contaminated soil that will be addressed during the cleanup is 385 cubic yards. The cleanup is currently anticipated to occur in 2005."

**Comment 6: §2.2.1.3**

At the end of the paragraph describe the ROD for the area.

**Response:**

Agree with clarification. Reference to the ROD was included in Section 2.2.1.3. In addition, a reference to the ROD was added to Section 2.2.2.3.

The following text was added to Section 2.2.1.3.

"... and BGOURI (TtNUS, 2002a). A Non-Time-Critical Removal Action (NTCRA) was completed at the site in 2001 to address the contaminated soil and debris identified at the site during the Phase II RI. A ROD (Navy, 2004b) was signed for the soil at the site (OU8) in September 2004 which called for no further action. This remedy was selected because the NTCRA addressed all significant risks associated with the soil and debris.

Because Site 14 was located adjacent to Site 3..."

The following text was added to Section 2.2.2.3.

"A ROD (Navy, 2004b) was signed for the soil at the site (OU8) in September 2004 which called for no further action. This remedy was selected because the NTCRA addressed all significant risks associated with the soil and debris."

**Comment 7: §2.2.1.5**

At the end of the paragraph describe the ROD for the area.

**Response:**

Agree. The following text was added to Section 2.2.1.5.

"A ROD (Navy, 2004c) was subsequently signed for the soil at Site 18 (OU11) in September 2004. The ROD called for no further action because no significant risks associated with exposure to site soil were identified during the RI."

**Comment 8:** §2.2.2, ¶2

Add the citation for RCRA.

**Response:**

The last sentence in Paragraph 2 of Section 2.2.2 was changed to the following:

"In addition, the FFA establishes a procedural framework and timetable for developing, implementing, and monitoring appropriate responses at NSB-NLON, in accordance with CERCLA (and SARA amendment of 1986, Public Law 99-499), 42 U.S.C. §9620(e)(1); the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR 300; Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq., as amended by the Hazardous and Solid Waste Amendment (HSWA) of 1984, Executive Order 12580; and applicable State laws."

**Comment 9:** §§2.2.2.2 & 2.2.2.3

Describe the ROD for each area.

**Response:**

Agree with clarification. A reference to the Site 7 soil ROD was added to Section 2.2.1.2. In addition, a reference to the ROD was added to Section 2.2.2.2.

The following text was added to Section 2.2.1.2.

"A ROD (Navy, 2004b) was signed for the soil at the site (OU8) in September 2004 which called for the excavation and off-site disposal of contaminated soil. This remedy was selected because there were potentially significant risks associated with exposure to the contaminated soil. The Navy is currently conducting the Remedial Design for the contaminated soil and anticipates that the Remedial Action will be completed in 2005."

The following text was added to Section 2.2.2.2.

"A ROD (Navy, 2004b) was signed for the soil at the site (OU8) in September 2004 which called for the excavation and off-site disposal of contaminated soil in two areas at Site 7. The first area includes approximately 90 cubic yards of benzene, chlorobenzene, and dichlorobenzene contaminated soil and a septic tank and the second area includes approximately 1,600 cubic yards of PAH-contaminated soil. This remedy was selected because there were potentially significant risks associated with exposure to the soil. The Navy is currently conducting the Remedial Design for the contaminated soil and anticipates that the Remedial Action will be completed in 2005."

Regarding Section 2.2.2.3, please see the response provided for Specific Comment 6.

**Comment 10:** §2.2.2.5

Describe the ROD of the area.

**Response:**

Agree with clarification. The text of Section 2.2.2.5 was replaced with the following paragraph.

"As a result of the investigation of Site 18, no concerns were identified that would require enforcement activities. A NFA ROD (Navy, 2004c) was signed for the soil at Site 18 (OU11) in September 2004 because no significant risks associated with exposure to site soil were identified during the RI."

**Comment 11: §2.2.2.5**

In the last sentence specify whether the area was cleaned to residential or commercial levels.

**Response:**

Agree with clarification. It was assumed that the comment was referring to Section 2.2.2.6. The last sentence of Section 2.2.2.6 was changed to the following:

"The objective of the action, per the ROD, was to mitigate direct contact exposures to soil and sediment by removing contaminated soil in excess of direct-contact residential cleanup goals."

**Comment 12: p. 2-56, §2.8.1, ¶4**

Cite the ROD.

**Response:**

Agree. The following sentence was added to Paragraph 4 of Section 2.8.1.

"the Site 3 NSA could also impact groundwater. The Navy is currently completing plans to address the petroleum-contaminated soil and debris at Site 3 – NSA (OU3) through excavation and offsite disposal. The cleanup plan was documented in an appendix of the ROD (Navy, 2004d). The cleanup is currently anticipated to occur in 2005. Once implemented, the remedy..."

**Comment 13: p. 2-59, ¶4**

Change "deed notification" to "deed restriction."

**Response:**

Agree. The term "deed notification" was changed to "deed restriction."

**Comment 14: p. 2-60, ¶5**

Change "deed notification" to "deed restriction."

**Response:**

Agree. The term "deed notification" was changed to "deed restriction."

**Comment 15: §2.12.1.1**

Please include a map that clearly depicts the boundaries of the land use controls.

**Response:**

Agree. Base-wide figures showing the areas with existing soil (Figure 2-22) and proposed groundwater (Figure 2-23) land use controls were prepared and included in the ROD as mentioned in the response to General Comment 2. These figures are the same as Figures 11 and 10, respectively, that were included in the Proposed Plan.

**Comment 16: §2.12.1.1**

Please describe the reasonably anticipated land uses, as well as any known prohibited uses that might not be obvious based on the reasonably anticipated land uses.

**Response:**

Agree with clarification. Reasonably anticipated land uses are discussed in Section 2.6 of the ROD. The following text was integrated with the 3<sup>rd</sup> paragraph of Section 2.12.1.1 to clarify anticipated land uses.

“NSB-NLON is currently an active Navy base and should remain so into the foreseeable future. Potential future land uses for Sites 3 and 7 while the Navy owns the property include the continued use of the sites under their current Naval functions (i.e., industrial and recreational). The future land uses are limited because portions of Sites 3 and 7 are located within designated ESQD arcs of Site 20. Navy regulations prohibit construction of inhabited buildings or structures within these arcs and, although existing buildings operate under a waiver of these regulations, no further construction or residential development is planned for these sites. In addition, the groundwater aquifers found within the overburden and bedrock at Sites 3 and 7 are classified as GB by the State of Connecticut. Based on the GB classification, the groundwater is presumed not suitable for human consumption without treatment. Neither aquifer is currently used as a source of drinking water or for industrial water supply purposes, and there are no plans to use either aquifer in the future for either purpose. The institutional controls for groundwater that will be implemented for Sites 3 and 7 will place further restrictions on the extraction and use of the groundwater at these sites until the groundwater RGs are reached. In the event that the Navy would sell or transfer the property in the future, and with confirmation that contaminated groundwater remains at Sites 3 and/or 7, a deed notification would be needed to prohibit the use of groundwater at the sites. Future commercial or residential land use would be permitted as long as controls on groundwater extraction and use were maintained.”

**Comment 17: §2.12.1.1**

Please clearly state the specific LUC performance objectives. For example, 1) Prevent access or use of the groundwater until cleanup levels are met; 2) Maintain the integrity of any current or future remedial or monitoring system; and 3) Prohibit the development and use of property for residential housing, elementary and secondary schools, child care facilities and playgrounds.

**Response:**

Agree. The following LUC performance objectives were added to Section 2.12.1.1 in response to this comment.

“The objectives of the institutional controls for the selected remedy are the following:

- Prevent the withdrawal and/or use of groundwater from Sites 3 and 7 for potable water purposes or other purposes that may result in unacceptable risks to human health and the environment until the RGs identified in this ROD are met.
- Ensure that groundwater extracted from Sites 3 and 7 during groundwater monitoring or construction dewatering activities is handled, stored, and disposed in accordance with applicable State and federal regulatory requirements.
- Maintain the integrity of the proposed groundwater monitoring system for Sites 3 and 7 until the RGs identified in this ROD are met.”

**Comment 18: §2.12.1.1**

Please expand the discussion to generally describe the LUC, the logic for its selection, and any related deed restrictions/notifications.

**Response:**

Agree. The following sentence was added to the section. It was added to the beginning of the text proposed in Specific Comment 17.

“The groundwater institutional controls are required because there are hazardous substances in the groundwater at concentrations that could result in unacceptable risks if the use of the groundwater was not controlled or restricted.”

**Comment 19: §2.12.1.1**

Please describe the duration of the LUCs. Add: “Land Use Controls will be maintained until the concentration of hazardous substances in the soil and groundwater are at such levels to allow for unrestricted use and exposure.”

**Response:**

Agree with clarification. There will be no soil land use controls for these sites after the planned remedial actions for the soil are completed; therefore, the reference to soil was removed from the suggested sentence. Other minor changes were also made to enhance the proposed sentence. The sentence that was added is provided below.

“Land Use Controls will be maintained until the results of the groundwater monitoring program show that the concentrations of hazardous substances in the groundwater are below the RGs that allow for unrestricted use and exposure.”

**Comment 20: §2.12.1.1**

Please add the following language to expand the third paragraph of Section 2.12.1.1: “Although the Navy may later transfer these procedural responsibilities to another party by contract, property transfer agreement, or through other means, the Navy shall retain ultimate responsibility for remedy integrity.”

**Response:**

Disagree. The Navy's responsibility for the remedy integrity is discussed in the 1<sup>st</sup> paragraph in Section 2.12.1.1. No additional text is required.

**Comment 21: §2.12.1.1**

Please add the following language to Section 2.12.1.1: "A LUC Remedial Design will be prepared as the land use component of the Remedial Design. Within 90 days of ROD signature, the Navy shall prepare and submit to EPA for review and approval a LUC remedial design that shall contain implementation and maintenance actions, including periodic inspections."

**Response:**

Agree with clarification. The 2<sup>nd</sup> sentence in Paragraph 1 of Section 2.12.1.1 was changed to the following:

"Within 90 days following the execution of this Interim ROD for Sites 3 and 7 groundwater, the Navy, in conjunction with the EPA and in consultation with the CTDEP, will prepare a Remedial Design that includes a Land Use Control (LUC) Remedial Design component that addresses groundwater LUC implementation and maintenance actions, including periodic inspections."

**Comment 22: p. 2-72, §2.12.1.1, ¶4**

Replace "deed notification" with "deed restriction."

**Response:**

Agree. The term "deed notification" was changed to "deed restriction."

**Comment 23: Table 2-39**

For "Action to be Taken" for CT Remediation Regs. replace "deed notification" with "deed restriction."

**Response:**

Agree. The term "deed notification" was changed to "deed restriction."

**Comment 24: Tables 2-40 & 2-42**

Under "Status" change all "Potentially Applicable" to "Applicable" to be consistent with all other RODs in the Region.

**Response:**

Agree. The "Potentially Applicable" status entries in Tables 2-40 and 2-42 were changed to "Applicable."